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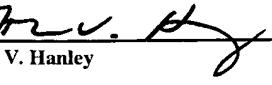
TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/546,966		
Filing Date	4/11/2000		
First Named Inventor	David T. Pollock		
Art Unit	3731		
Examiner Name	Vy Q. Bui		
Total Number of Pages in This Submission	3	Attorney Docket Number	ENDOS-51639 (GES-0012)

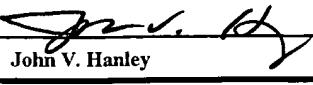
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULWIDER PATTON LLP		
Signature			
Printed name	John V. Hanley		
Date	9/18/2006	Reg. No.	38,171

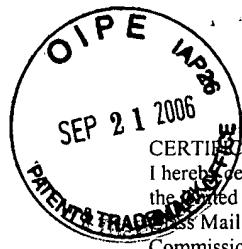
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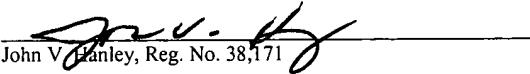
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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John V. Hanley, Reg. No. 38,171

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of

Inventor: David T. Pollock, et al.

Serial No. 09/546,966

Filed: April 11, 2000

For: SINGLE-PIECE THICK-WALLED
ENDOPROSTHESIS

Date: September 18, 2006

Examiner: Vy Q. Bui

Group Art Unit: 3731

Client ID/Matter No. ENDOS-51639

LETTER

MS: Appeal Brief Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office communication dated September 11, 2006 which indicated that the Reply Brief recently submitted by the Applicants in connection with the above-referenced matter would not be considered because it was not filed within two months of the March 23, 2006 mailing date of the Examiner's Answer.

It is respectfully submitted, however, that the subject Reply Brief was indeed timely filed and should be considered by the Examiner. Significantly, the Reply Brief was filed under 37 CFR § 1.8 which provides that correspondence required to be file in the U.S. Patent and Trademark Office within a set period of time will be considered as being timely filed if the correspondence is properly addressed and mailed prior to expiration of the set period of time.

Accordingly, it is respectfully requested that a written action be issued to clearly indicate that the Reply Brief is being considered by the Examiner.

Respectfully submitted,

FULWIDER PATTON LLP

By: 
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